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CLAIMS FOR DEPREDATIONS COMMITTED BY THE UTE INDIANS.

MARCH 7, 1884.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GEORGE, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 3082.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 3082) to provide for the payment of ten claims for depredations committed by the Ute Indians at the time of the massacre at the White River Agency in 1879, having had the same under consideration, respectfully submit the following report:

The circumstances surrounding these claims are such as to give them a character of their own, and the ground on which they stand is quite independent of, because stronger than, the general claim of the settler to be indemnified for Indian depredations.

In September, 1879, the Ute Indians of the White River Agency, in the State of Colorado, rose against the authorities of their agency on account of some grievances, real or fancied, for which, however, it was never pretended that either the agent, Nathan C. Meeker, a man of well-known high character, or any of the agency employes, was in the least responsible. The Indians, however, killed the agent, Meeker, after inflicting the most horrible torture upon him before the very eyes of his family.

Most of the employes of the agency were killed. The others were imprisoned, and only rescued after the perpetration of outrages and tortures upon them by the enraged savages. The agency buildings were destroyed, and with them the property of these claimants, the agency employes, was destroyed or taken away.

By section 3 of the act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880, provision was made for the sale of the former reservation of these Indians (where this massacre was committed), and the payment of the proceeds into the Treasury of the United States for their benefit. The land amounts to about 12,000,000 acres, and the immense amount of money thus conferred upon these Indians can easily be calculated. It is proposed by this bill to satisfy the claims of these faithful employes of the Government for the property actually lost by them in the service of the Government, and that the Government shall reimburse itself out of the enormous funds to be realized by these Indians from the sale of their lands.

A bill in the identical terms of the present passed the Senate in the

last Congress on March 29, 1882, but was not reached for action in the House of Representatives. The following vigorous remarks of Senator (now Secretary) Teller, in the Senate, on that occasion, will show the grounds on which the bill was supported and passed (Congressional Record, Forty-seventh Congress, first session, part 3, page 2362):

This bill is for the purpose of paying the people who were employed at the agency at the time of the White River massacre for the actual things that they lost, the property destroyed, and it gives nothing as compensation for suffering, or privations, or anything of that kind.

I prepared the bill with a view of taking the money out of the United States Treasury, not paying any attention to whether it was ever to be reimbursed to the Government or not. After the United States had condoned the offense of these Indians by appropriating about \$400,000 in money directly for their benefit, and then by recognizing that these Indians had a right to 12,000,000 acres of land in fee—a thing never heard of before in this country—I thought that the Government of the United States ought not to stand very much upon the payment of \$4,000 that these pets had destroyed, when you take into consideration the great outrages they committed, in addition to the destruction of the property of these people.

Afterward it was suggested to me that, inasmuch as the provision of the act of June 15, 1880, provided that all the proceeds of these 12,000,000 acres of land should be paid into the Treasury to reimburse the Government for any advances it might make, it was proper to put into this bill a clause that whatever the Government should pay to these people should be charged against this fund; and therefore I prepared the second section, which is reported by the committee as an amendment.

Now, as I understand this bill, that is what ought to be done, and that is what it does; first, the Government is to pay this \$4,200, or whatever it is. Then, when this land is sold, this one-fifth of the State of Colorado, which was donated to these Indians—for which they had no more right or claim in law or equity than I had, having come from the Territory of Mexico, and we, taking this land, not subject to any Indian right whatever, but when this vast quantity of land shall be sold and the money come into the Treasury, as it will as soon as it is possible to open it by the removal of these Indians—then the Government will reimburse itself from that fund, and there will be ample to reimburse the Government. There is no question of it.

The passage of a bill providing for the payment of these claims was recommended by Hon. R. E. Trowbridge, Commissioner of Indian Affairs, by letter of April 15, 1880, transmitting these claims to the Secretary of the Interior. This letter was transmitted by Hon. Carl Schurz, Secretary of the Interior, to the Speaker of the House of Representatives, under date of May 12, 1880, with his concurrence in the views of the Commissioner, and an urgent appeal for the early and favorable action of Congress.

Upon a recent reference of this bill by your committee to the Department for a report, Hon. Hiram Price, the present Commissioner of Indian Affairs, and Hon. Henry M. Teller, the present Secretary of the Interior, strongly renew the recommendations of their predecessors. This correspondence is all annexed to and made a part of this report.

The committee, approving these recommendations, report back this bill without amendment, and recommend its passage.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 15, 1880.

SIR: I have the honor to transmit herewith ten claims, amounting, in the aggregate, to \$4,419.10, on account of property destroyed by the White River Utes at their agency on the 29th of September last, which belonged to the employes of that agency. The agent and most of the employes were killed by the Indians, and their property destroyed or taken at the time of the destruction of the agency buildings. The names of the claimants, or their representatives, and the amounts claimed by each, are as follows:

Josephine Meeker	\$460 00
Mrs. A. D. Meeker	778 85
Sophronia E. Price	701 50
Sarah M. Post	500 00
W. E. Eskridge	220 00

George T. Dresser	\$881 00
George L. Shepard	108 00
Thomas T. Thompson	203 00
Albert A. Woodbury	79 50
F. L. Mansfield	187 25
McLane & Dillman	300 00

It is impossible to comply fully with Department rules in these cases, for the reason that the agency is broken up, and the claims cannot therefore be examined by the agent and submitted to the Indians. The evidence is also defective in many of these claims, and it is impossible under the circumstances for the claimants to comply with the rules, as nearly all the persons who were witnesses of the depredations of the Indians were killed by them.

The claim of McLane & Dillman, included in the list (for the loss of five horses), who were sent out by Agent Critchlow to recover Mrs. Meeker and other captives, is fully stated by the agent, and should be adjusted with the others. The prices charged by some of the claimants for the property alleged to have been taken and destroyed is probably above its real value, but on account of the peculiar hardships connected with these cases it is believed that ample provision should be made for the payment of the claims, and I respectfully suggest that they be transmitted to Congress with a recommendation for an appropriation of \$4,000 to enable the Department to adjust them.

Very respectfully, your obedient servant,

R. E. TROWBRIDGE,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, May 12, 1880.

SIR: I have the honor to invite your attention to the inclosed copy of a letter dated the 15th ultimo, from the Commissioner of Indian Affairs, inclosing the following noted claims for depredations committed by White River Ute Indians on the occasion of their late outbreak in the State of Colorado, namely:

Josephine Meeker	\$460 00
Mrs. A. D. Meeker	778 85
Sophronia E. Price	701 50
Sarah M. Post	500 00
W. E. Eskridge	220 00
Geo. T. Dresser	881 00
Geo. L. Shepard	108 00
Thos. T. Thompson	203 00
Albert A. Woodbury	79 50
F. L. Mansfield	187 25
McLane & Dillman	300 00

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The Commissioner recommends an appropriation of \$4,000 to enable his office to adjust said claims. The circumstances surrounding these cases are of peculiar hardship, which would seem to take them out of the line of ordinary depredation claims; the views of the Indian Office have the concurrence of the Department, and the attention of Congress is respectfully invited to the subject, upon which early and favorable action is requested.

Very respectfully,

C. SCHURZ,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 29, 1884.

SIR: I have the honor to be in receipt, by your reference of the 26th instant, of the letter of the chairman of the Committee on Indian Affairs of the House of Representatives inclosing copy of H. R. bill 3082, "to provide for the payment of ten claims for depredations of Ute Indians," &c., and requesting a report on the same, and in re-

ply I have the honor to say that the claims mentioned in said bill were reported to the Department on the 15th of April, 1880, with the recommendation that the claims be allowed for their respective amounts. It appears from Ex. Doc. No. 135, Forty-seventh Congress, first session, page 9, that these claims were transmitted to Congress May 12, 1880, and I know of no reason why the action of the office as stated in that report should be modified or changed in any way.

The letter of the chairman, with the printed copy of the bill, is herewith returned.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, January 31, 1884.

SIR: Acknowledging the receipt of your communication of the 25th instant, referring to this Department for consideration and report H. R. bill 3082, "to provide for the payment of ten claims for depredations committed by the Ute Indians at the time of the massacre at the White River Agency in 1879," I have the honor to transmit herewith a report on the subject, of 29th instant, from the Commissioner of Indian Affairs, to whom the matter was referred.

The Commissioner renews his recommendation contained in letter of April 15, 1880 (transmitted with claims to the Speaker House of Representatives by Department letter of May 12, 1880), that the claims be allowed for their respective amounts.

As the claimants no doubt suffered the damages, I cannot too strongly urge the early and favorable consideration of these claims, and the passage of the bill for their relief.

The bill is also herewith inclosed, together with copies of Department and Indian Office letters above referred to.

Very respectfully,

H. M. TELLER,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

